

REMARKS

Applicant acknowledges receipt of the Office Action dated December 9, 2005, in which the Examiner continued the rejection of claims 1-3, 6-13, and 16-20 as anticipated by U.S. Patent 4,634,446 to *Kristinsson*. Applicant has amended the claims and respectfully traverses these rejections for the reasons set out below.

Rejection over *Kristinsson*

First, the present claims do not read on the device(s) disclosed by *Kristinsson*. The claims in the present case have always required a mount on which the upper end of a prosthetic leg is pivotally mounted. To more explicitly recite these particular features of the present invention, claims 1 and 11 have been amended to require: a) that the mount define a “hip joint axis,” b) that the mount pivotally support the upper end of the prosthetic leg “such that the prosthetic leg is pivotable about said hip joint axis during walking,” and c) that the mount be positioned on the socket “such that the hip joint axis passes through the patient’s natural hip joint.”¹

Applicant respectfully submits that any one of the elements a), b) or c) set out above is sufficient to distinguish over the teachings of *Kristinsson*. First, the device disclosed by *Kristinsson*, is merely a socket for a prosthesis, and does not include a “joint axis” at all, much less a “hip joint axis.” The only axes disclosed by *Kristinsson* are the two vertical axes 11 (figure 4) and 14 (figure 5A) and the horizontal axis 12 (figure 5A). With regard to these axes, *Kristinsson* states:

“FIGS. 3A and 3B show the sleeve of FIGS. 1 and 2 mounted on a lower leg prosthesis. For this purpose there is used a holder means 7 which is connected to an artificial knee joint 9 via a supporting rod or bar 8. The holder means 7 is provided with two arms 10 which partially surround the sleeve and are fastened to the brim 2. . . *The arms 10 are pivotable about substantially vertical axis 11, as is more clearly shown in FIG. 5, to enable the shape of the sleeve to adapt to changes in shape of the stump* resulting from the varying loads acting thereon. *The holder means 7 also permits the sleeve to be adjusted in a desired direction, by rotating the sleeve around an axis 12, whereat the sleeve may be set at a desired angle or inclination by means of setting screws 13. The sleeve may also be rotated about an axis 14 and, for example, locked by friction engagement between two serrated means.* (emphasis added).

¹ All of these amendments are supported by the Specification as-filed, e.g. at paragraphs [0002], [0007], [0021], and [0022].
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Clearly, none of these rotating components functions as a “joint axis” as that term is intended by applicant, namely an axis that simulates the functionality of a natural anatomical joint. Nonetheless, to clarify this distinction, the claims have been amended to require that the present device define a “hip joint axis.” *Kristinsson* simply does not teach or suggest any component defining a hip joint axis.²

In addition, claims 1 and 11 further now require that that the mount pivotally support the upper end of the prosthetic leg “such that the prosthetic leg is pivotable about said hip joint axis during walking.” *Kristinsson* does not teach or suggest any components that could be considered a “hip joint” about which the prosthetic leg is pivotable during walking. Thus, this is a further distinction over the teachings of *Kristinsson*.

Finally, and as Applicant has asserted before, *Kristinsson* does not teach or suggest a device that defines an axis that “passes through the patient’s natural hip joint.” None of the “axes” 11, 12 and 14 of *Kristinsson* passes through the patient’s natural hip joint.

For all of these reasons, Applicant respectfully submits that the amended claims are patentable over the art of record.

Other rejections

The present amendments remove the word “substantially” and rephrase the limitation in a manner that cures the grounds for objection relating to recitation of the prosthetic leg.

Regarding the Examiner’s requirement that the Applicant add structure to the recitation of an “extension stop member,” Applicant would point out that the term “extension stop member” is used in the specification and that its structure and function are clear. Nonetheless, Applicant has deleted the word “extension” so that the claims now recite a “stop member.” Applicant respectfully submits that a “stop member” is a well known component and requires no further recitation.

² This especially true because *Kristinsson* relates to a socket for an “above-knee amputee” (Col. 1, ll. 10-14), sometimes also called a “transfemoral amputee.” Above-knee amputees retain their natural hip joint, as well as the upper part of their femur, and therefore have no need for a prosthetic hip joint as currently claimed. By way of illustration, Applicant submits as Appendix A the front page of US Patent 4,790,855, in which the patient’s femoral stump and natural hip are clearly visible.

Allowable claims

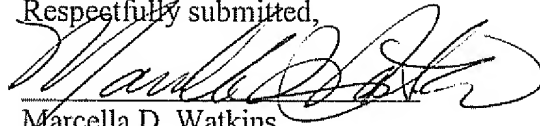
Claim 14 has been amended to place it in independent form by incorporating the limitations of claims 11-13, from which it formerly depended. Applicant respectfully submit that claims 14 and 15 are therefore in condition for allowance.

Claim 4, which was indicated to be allowable, has been amended merely to positively recite the prosthetic leg having an upper end, as suggested by the Examiner.

Conclusion

Applicant thanks the Examiner for his attention to this case. Applicant respectfully submits that the present amendments place the claims in condition for allowance and therefore respectfully requests that the Examiner enter the amendments and reconsider and withdraw the rejections. If the Examiner has any questions regarding this matter, he is encouraged to telephone the undersigned at (713) 238-8043.

Respectfully submitted,



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